



**Arlington Historic District Commissions
Final and Approved Minutes – July 28, 2022
Conducted by Remote Participation via ZOOM**

Commissioners Present: D. Baldwin, C. Barry, M. Bush, P. Chaves, B. Cohen, A. Frank Johnson, B. LaBau, S. Makowka, C. Tee, J. Worden

Commissioners Not Present: B. Melofchik, S. Savarese

Guests: E. Ethridge, J. Leone, Esq., M. Penzenik, D. Perlo, K. Lubar, R. Smurzynski, D. Greene, D. McClennen, R. Forter, K. Kokubu, B. Kokubu

1. **AHDC Meeting Opens 8:00pm – called to order at 8:05pm by S. Makowka**
2. **Approval of draft minutes from June 23, 2022 Regular and Executive Sessions; J. Worden moved to table until next month; seconded by D. Baldwin. Unanimously approved.**
3. **Appointment of Alternate Commissioners; Avon Place - 5 at large plus P. Chaves, B. Cohen; Jason/Gray- 0 Ravine Street – Baldwin, Barry, Tee, Worden, Johnson, Bush, Cohen, Frank Johnson; Mt Gilboa/Crescent Hill – 5 at large plus B. Cohen; Pleasant Street-informal**
4. **Communications**
 - a. **Memo from Town Counsel re: 0 Ravine Street**
 - b. **Application re: 92 Jason Street submitted in error – sent over to AHC for response**
 - c. **Email from Neighbor – 0 Ravine**
 - d. **Email from neighbor – 0 Ravine**
 - e. **Email re: 96 Jason**
 - f. **Email by B. Cohen re: 75 Pleasant Street, should expect an application**
5. **New Business**
 - a. **Formal Hearing for 400 Massachusetts Ave. for new signage;** E. Ethridge represented the Applicant. Wants to recreate existing sign; wooden posts have rotted from the ground, will recreate using metal posts and metal substrate for actual sign to avoid further deterioration and keep clean aesthetic for a longer time. Stated that the existing sign has only lasted a few years.

Commissioners raised the guidelines which state that signs and posts shall be of wood and sometimes a wood appearing composite may be approved but metal signs are definitely inconsistent with what has been approve in the Districts. Composite with a flat for the sign would work, but aluminum for the posts would not since they are inconsistent with our guidelines. M. Bush asked what is unsafe about that post – Applicant said it is completely rotted at the bottom.

C. Barry said understanding that the guidelines request wood posts, however wrought iron might be an acceptable alternative or even a tubular galvanized steel painted black to look like wrought iron seems consistent with what is allowed in a District. You can get caps to look appropriate. You can get a 4 x 4 steel post – basically a fence post that is longer. Instead of aluminum this would be galvanized steel post painted black to appear like wrought iron with appropriate wrought iron cap. Doesn't need to be galvanized but that would last longer. C. Barry noted that there is a very different texture to a steel post as opposed to a powder post aluminum.

C. Barry made motion to approved design of sign as shown subject to the conditions that it be installed on composite material and post can be either wood, or steel 4 x 4 post with slightly eased corners painted black to look like wrought iron with wrought iron finial on top. B. Cohen seconded. D. Baldwin noted for the record that the existing sign had been there since as least 2007 based on google view. Vote: Baldwin – y, Barry – y, Tee – y, Worden – y, Chaves – y, Cohen – y, B. LaBau – y. Unanimous approval. Monitor – B. Cohen appointed.

b. Continued Formal Hearing for 0 Ravine Street (Perlo) for new home construction.

Applicant represented by Attorney J. Leone and architect M. Penzenik who is going to make presentation. S. Makowka gave status of this application. Owners applied for COA to build home in 2017 – that was withdrawn, resubmitted over the years with revisions and extensive comments from HDC and public. An application submitted in 2019 completed a phase 1 review but was denied at phase 2 based on siting and massing. Applicants appealed and have challenged on a number of grounds. During the course of the litigation, there have been discussions back and forth with applicants to see if any opportunity to resolve litigation. After those discussions, both parties reached agreement to resolve the litigation conditioned on a number of changes of proposal, mainly addressing sizing and massing. These include a footprint no more than 1295 sf, a height not to exceed 31' 6", and siting of the building at least 51' back from front property line. As part of record, all previous hearing info is incorporated and new public comment will be allowed from Applicant, Commissioners and public with any info responding to this particular application that is not duplicate of prior submissions and which focuses on issues of sizing and massing. The HDC will incorporate the prior application and supporting material into record and will accept new comments tonight as described. Everything to be focused on sizing and massing on this proposal.

S. Makowka suggested that we start with a motion that the full record, application, written comments, minutes related to the August 2019 application for 0 Ravine Street all be incorporated into this current application. C. Barry so moved, A. Frank Johnson seconded. K. Lubar asked why M. Penezik met with two commissioners on Monday suggesting it was a violation of the open meeting law. S. Makowka noted that there was no quorum and pointed out that individual members of the Commission often have meetings with Applicants to clarify issues and to give feedback regarding an application. Two Commissioners meeting is sometimes appropriate if both involved or interested in that particular location. It is his understanding that this meeting was asking for clarification to facilitate the meeting tonight. K. Lubar said AHDC says that for new construction step 1 would be continued – S. Makowka answered that this has been long considered and moved past phase 1 – under his discretion per the agreement with the Applicant they are starting at phase 2 issues of sizing and massing. J. Worden point of order – phase 2 is only massing and siting. S. Makowka agreed, clarifying that the Commission has not dealt with details except to agree that something could be built on this lot and we have a sense of what could be built, but massing and sizing is what we are discussing and possibly approving tonight. If we do find agreement on sizing and massing then we could ask applicant to come back next month with details. M. Bush asked about prior information and documentation received today at last minute. Baldwin – y, Barry – y, Tee – y, Worden -y, Bush – y, Cohen – y, Frank Johnson – y.

Per question, S. Makowka confirmed that if, at conclusion of hearing there is as approval of application, a COA will be issued; if not approved we go back to litigation.

J. Leone representing Applicants said they have completed phase 1 and have completed requirements for sizing and massing requested by Commissioners. Slide 2 shows house at 1295sf as agreed to by both parties; 51' back at front edge of porch as required; the difference in the deck submitted today and the earlier version is at the rear of house – the parking area was added to accommodate requests of neighbors directly behind who were concerned with vehicle safety and turn around space. M. Bush said he thinks this is not a recapitulation of discussion with Commissioners; point is he thinks in fairness to public you need to contrast current design with previous one that was rejected – J. Leone disagreed and also noted one additional change -- the 8" reveal on the stone basement shows and on prior submission the reveal was different. He said that the ground will be graded out slightly to maintain that and they will bring up ever so slightly. The lot has a slight bowl shape and the Front of lot at the sidewalk is unnaturally raised up by old tree stump. He noted that the other stipulated change was roof heights – 31'6" designated and they added in the heights relative to neighboring roofs as requested as well as setbacks from property edge to front of buildings. House to left 26'5"; right is 30'8" and this will be 51' as required by Commission. Those are the only changes submitted today. Requesting as presented today approval of sizing and massing and move to step 3 for details. S. Makowka had a clarification on the streetscape page. He asked the Applicant to verify – where we had asked for height of ridge relative to house to right and you provided that the 8' differential is from left facing dormer on house on right, that that 8 feet is from the left side dormer itself and not the peak of the house on the right. The Applicant agreed that the drawing house on the right is not exactly accurate to the actual conditions and verified that the 8 feet difference in height is measured from the left facing dormer of the neighboring house and not the roof peak.

S. Makowka suggested that the Applicant might want to articulate change in height vs prior denied application and change of width of façade as well and how much further back pushed. Prior application it was level across front with houses on either side; pushed back 25-30' into the property which affords views to houses on either side up and down Ravine Street. The square footage has been reduced. Considering this house as presented and negotiated by the Commission to get this building approved – made smaller, less height, pushed back. They have taken all considerations and come up with this structure. House was settled into the grade to make massing less, and sf of house reduced so there is wider spacing to left and right of neighbors as well as pushed house back. Gave up all rear yard to give views of surrounding structures. Pushed back 25-30' than where they would have liked and it is much smaller than originally presented.

J. Worden asked about issue raised by neighbor about the parking – J. Leone said utilizing former parking space meant they would have to park onto her property and they had no right to do so, so to accommodate her wishes, they put parking there using the car turnaround area in order to pull into parking area abutting the house. 20' wide and at 24' deep.

Comments opened to public for sizing and massing – D. Green (40 Irving St.) shared screen showing town map; D Leone replied that town GIS is not correct and the actual survey applicant provided is correct – they are using the current purple line to show that correct info – survey done to be accurate. There is a boundary marker which separates their property, one above you and the lot 12. K. Lubar (33 Gray Street) shared screen Proposed building is too tall, too close on sides and too blocking and he proposes the HDC deny the application. Question is according to him – what would be appropriate size and massing to build – most appropriate design would be original barn or carriage house. Should look like an outbuilding – 1 to 1.5 stories about 1000sf and about 1500sf of living space. About 35' on each side needed. 161 Pleasant Street shown. 30 Academy Street shown. 26 Walnut Street shown. 17 Paul Revere Road shown. Question is what is appropriate streetscape to compare this to – what should be considered. See complete submission received from K. Lubar via email on 7/24/22 and 6/20/22. No other comments or questions from guests or commissioners.

M. Bush asked to see sheet #2 on current presentation. Should be noted there is a significant error on this page – they show it as 51' to front porch and 36'6" on rear. Down a page you see 41' for main body plus 3'6" for porch that is – there is an extra 18" of land shown there. M. Penzenik said the 36'6" was an earlier dimension line – it is acknowledged that the dimension is 35' and it was just a clerical error and not really significant. M. Bush stated that plans need to be accurate – M. Penzenik said she will correct and acknowledges 36'6" should be 35 and if certificate issued it is conditioned upon getting a fully updated set of plans so the record is complete. K. Lubar commented that he feels it is not appropriate to have received new plans at 10:30 am this morning and this error is just now being discussed. S. Makowka said the dimension change needs to be clarified. R. Forter (8 Ravine St) said you have incorrectly listed old owners of the neighboring house on the survey but J. Leone stated that it was accurate when the survey was done but will note for the record the new owners.

Per the procedure discussed at the start of the hearing, S. Makowka asked if there was a motion to deny the application based on sizing and massing. J. Worden moved to reduce the sizing massing to be more in line with comments submitted by K. Lubar, seconded by D. Baldwin for discussion.

M. Bush said we need to approve or deny what is before us – this is consistent with the settlement agreement. J. Leone directed to pg. 4 article 3 for Chair; J. McClennen (55 Academy Street) said map dated 1880 property on Ravine and Irving showed carriage house. The parameters of settlement were discussed earlier and if they want to deny based on sizing and massing that will be entertained. J. Worden said he believes the Commission and the Applicant can't make anyone lose the responsibility of the Commission to listen to others. J. Worden asked if details will be considered in next stage -- could we say we want a building on same site to look different? S. Makowka said in phase 3 was to focus on details and that existing issues relating to sizing and massing as agreed in the settlement should not be rehashed.

Point of information asked by J. McClennen (55 Academy Street) – what were settlement conditions? S. Makowka summarized: footprint no more than 1290 sq ft; height -31'6" ; building structure more than 51 feet back from street. R. Smurzynski (9 Ravine Street); asked why dimensions were acceptable to HDC and why didn't you change to home like what K. Lubar presented? S. Makowka said these parameters addressed concerns of both sides. It seems to R. Smurzynski that the HDC is driven by a lawsuit and not what is appropriate in the neighborhood in her opinion. M. Bush said this has been going on for many years and he has been on Commission throughout and it has been the posture of the HDC for many years that the lot was buildable, we have passively approved it at phase 1 by not denying it; but the statement has been made a number of times that it's probably buildable but what you brought us is too big; pursuant to the litigation a subcommittee of Commission was appointed – Cohen, Bush, Barry and they over the course of many months had conversations with applicant, attorneys, architects and things have gone back and forth – at least for him personally the application before us today is small enough and as he requested at the beginning of the meeting he preferred to show how things have changed but that wasn't done – in his personal judgement this is small enough and that's how we are and where we are today. S. Makowka clarified that where the house is located, moving it back from street was important consideration but the entire Commission looked at the proposals, set some parameters we felt would create acceptable alternative not inconsistent with District. That is what we have before us today.

R. Forter (8 Ravine St) asked about denial – S. Makowka said it would put us back to litigation posture if settlement agreement were breached. J. Leone repeated – AHDC shall receive new public comments on new application to extent new application is presented but prior record.... And vote to proceed through phases 1 and 2 to continue to Phase 3. C. Barry said as part of the subcommittee negotiating with the applicant – they proposed things like Lubar but they were very different than what the applicant wanted. If we followed through with litigation and lost the

application might end up being able to do anything on the lot without any input from the AHDC. Important for Commission to negotiate with applicant in good faith – this is why we worked on it and brought it to the Commission a few months ago and agreed with this submission that this is an acceptable solution to the litigation. J. Worden said he is not comfortable that decision was made in executive session and, if we vote to not disapprove sizing and massing, are we stuck with this design? S. Makowka – in good faith the sizing and massing is articulated with this plan. J. Worden said he is withdrawing his motion.

D. Baldwin made to deny the motion based on size and massing because he believes a 1295 sf footprint not including porches on a less than 79' lot is too large. Seconded by J. Worden. R. Smurzynski spoke and said there are ramifications for a HDC that might get quite compromised to let a settlement determine where we are going in the future. Roll call for on motion to deny as presented: C. Barry – n; Bush – n, Baldwin – y, Worden – y, Cohen – n, Frank Johnson – n, Tee – y. The vote is 4 No and 3 Yes so the motion to deny does not pass and we will move on to phase 3 for consideration of the details.

S. Makowka asked for Applicant agreement to continue to next month. K. Lubar was expecting today's meeting on phase 1 and 2 only and he is not prepared to discuss phase 3 tonight. J. Leone pressed for continuing tonight. S. Makowka suggested compromise that M. Penzenik be given 3 minutes to present details with no follow up discussion tonight other than feedback on where clarification might be helpful so that everyone could be prepared for discussion of phase 3. M. Penzenik stated that they set up the materials list there as it would be in specifications in the drawings. In accordance windows are all wood, except for windows below grade which would like to be Marvin Wood Ultimate Line – model number on each window called out; the simulated divided lights, trim 1 x 5 all wood with back band; door notes given – specified doors given; cedar shingles; summary ended.

The Commission provided feedback that there are very complicated eaves but want to see how fiberglass gutters engage at each corner. Need to show how gutter and rake intersect each other. C. Bush asked to see details on railings – specific products and profiles. Submit manufactures to HDC on windows and doors. B. LaBau said it's important to see more information on the stone veneer – thickness, sense of what it looks like compared to neighboring fieldstone houses. J. Leone agreed to continue hearings until next month. M. Penzenik asked if it would be possible for Commissioners to reach out to her with any additional questions or comments so she can be prepared at next meeting. S. Makowka encouraged anyone that had questions to send them to Ms. Greeley in advance and we will try to collect them and send them along to M. Penzenik. J. Leone acknowledges Perlos' consent to 8/25 for next meeting.

- c. **Formal Hearing for 188 Westminster (Kokubo) for solar installation.** Main panels on rear of roof so not subject to public view, but there are disconnects and other things on side of house viewable from public way. Originally on front of house and suggested to move to side of house; now on side of house. Wires being run – one conduit coming down the side of house. The ridge is the blue line and it's under the eaves on the front downslope – barely visible. Main panel is inside. Conduit through roof and down along front rake, come down parallel to existing to utility line. They will paint the existing and the new wires to match the house. Existing pipe goes to the meter; the meter is 2nd one from right. Will get to go as tight as possible but will paint whichever way makes it least visible. Owner agrees there won't be anything going over edge of roof and all conduit will be tucked up into the eve.

M. Bush moved to approve as submitted, seconded by B. Cohen for discussion. M. Bush moved to amend his motion to incorporate the condition that the conduit will not extend over the edge of the roof and will be tucked up into the eve as much as possible, seconded by B. Cohen. Roll Call vote: – Baldwin – y, Barry – y, Tee – y, Worden – y, Bush – y, Cohen – y, LaBau – y. Unanimous approval – monitor B. LaBau.

- d. **Formal Hearing for 7 Jason St. (Arl. Hist. Society) for signage changes** – G. Parsons agreed to defer to next month's meeting due to lateness of the hour.
 - e. **Informal Hearing for 20 Maple Street (Arl. Ctr for Arts) for signage** – moved to next month due to lateness of the hour.
- 6. Old Business**
- a. Vacant commissioner seats – no discussion
 - b. Report from Streetscape sub-committee – no discussion
 - c. Modification of Design Guidelines (Little Libraries) – no discussion
 - d. Town Clerk Record Retention – no discussion
- 7. Motion to adjourn**
- Motion made by C. Barry, seconded by B. Cohen. Roll call to adjourn – unanimous approval.
Meeting adjourned at 10:17pm